

REMARKS

This Amendment is in response to the final Office Action mailed on July 7, 2010. Claims 1, 5, 7, 9, 11 and 12 are amended. Claim 1 is amended to include features of claim 8. The amendments to claim 1 are also supported, for example, in Figs. 1, 5A, 5B, 8 and 9. Claims 5, 7, 9, 11 and 12 are amended editorially. Claim 9 is also amended to depend from claim 1. Claim 8 is cancelled without prejudice or disclaimer. Claims 1-3, 5-7 and 9-12 are pending with claims 10-12 being withdrawn. No new matter is added.

Drawing Objections:

The drawings are objected to for not showing every feature specified in the claims. The claims no longer contain the features objected to in the drawing objections. With respect to Fig. 6 and reference elements 51, 51A, 51B, 53 and 54, Applicants note that these reference elements do in fact point to appropriate and distinct features as discussed in the specification on, for example, page 9, line 4-page 10, line 19, and shown in figures such as, for example, Figs. 5A, 5B and 10A-C. Withdrawal of these objections is requested.

§112, 2nd Paragraph Rejections:

Claims 1-3 and 5-9 are rejected as being indefinite. In particular, portions of claims 1, 5, 7 and 8 are rejected as being indefinite. Claims 1, 5 and 7 no longer contain the language identified as being indefinite. Claim 8 is cancelled without prejudice or disclaimer. Withdrawal of these rejections is requested.

§102 Rejections:

Claims 1-3 and 5-8 are rejected as being anticipated by Tiffany (US Patent No. 3,864,089). This rejection is traversed.

Claim 1 is directed to an analyzing tool that recites, among other features, a plurality of first gas exhaust holes formed in the cover. Claim 1 also recites a plurality of first seals provided on the cover for closing the first gas exhaust holes, respectively, the first seals being breakable. Further, claim 1 recites a second gas exhaust hole formed in

the cover. Also, claim 1 recites a second seal provided on the cover for closing the second gas exhaust hole, the second seal being breakable.

Tiffany does not disclose or suggest these features. The rejection interprets the cover disk 18 of Tiffany as the cover of claim 1. The rejection also interprets the outer end portions of the passageways 8, the outer rotor portion 9, the vacuum annulus 12 and the annular sealing disk 13 as the first gas exhaust holes, the first seals, the second gas exhaust hole and the second seal, respectively, of claim 1.

However, Tiffany does not disclose or suggest that the outer end portions of the passageways 8 or the vacuum annulus 12 are formed in the cover disk 18 (see column 2, line 51-column 3, line 7 and Figs. 1-4 of Tiffany). Thus, Tiffany fails to disclose or suggest a plurality of first gas exhaust holes formed in the cover. Tiffany also fails to disclose or suggest a second gas exhaust hole formed in the cover, as required by claim 1.

Also, Tiffany does not disclose or suggest that the outer rotor portion 9 or the annular sealing disk 13 is provided on the cover disk 18 (see column 2, line 51-column 3, line 7 and Figs. 1-4 of Tiffany). Thus, Tiffany fails to disclose or suggest a plurality of first seals provided on the cover for closing the first gas exhaust holes, respectively, the first seals being breakable. Tiffany also fails to disclose or suggest a second seal provided on the cover for closing the second gas exhaust hole, the second seal being breakable, as required by claim 1.

For at least these reasons claim 1 is not suggested by Tiffany and should be allowed. Claims 2, 3 and 5-8 depend from claim 1 and should be allowed for at least the same reasons.

§103 Rejection:

Claim 9 is rejected as being unpatentable over Tiffany. This rejection is traversed. Claim 9 depends from claim 1 and should be allowed for at least the same reasons discussed above. Applicants do not concede the correctness of this rejection.

Double Patenting Rejections:

Claims 1, 5 and 9 are rejected for obviousness-type double patenting over claims 1 and 9-14 of Taguchi (US Patent No. 7,850,909). This rejection is now moot as

Applicants submit herewith a Terminal Disclaimer. Applicants do not concede the correctness of this rejection. Withdrawal of the rejection is respectfully requested.

Claim 1 is rejected for obviousness-type double patenting over claim 23 of Fujimoto (US Publication No. 2005/0282290). This rejection is now moot as Applicants submit herewith a Terminal Disclaimer. Applicants do not concede the correctness of this rejection. Withdrawal of the rejection is respectfully requested.

Conclusion:

Applicants respectfully assert that the pending claims are in condition for allowance. If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicants' primary attorney-of record, Douglas P. Mueller (Reg. No. 30,300), at (612) 455-3804.



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Respectfully submitted,

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